IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE
FIRST APPEAL NO. 549 OF 1991
WITH
CROSS OBJECTION NO. OF 1991

The State of Maharashtra ... Appellant

Vs.

Shri. Manikchand Gulabchand Jain Respondents

Mr. K.K. Tated, A.G.P. for State.

Mr. S.M. Gorwadkar for Respondents.

CORAM : F.I. REBELLO &
ANOOP V. MOHTA,JJ.
DATED : AUGUST 30, 2004
P.C. :

1. The land is situated in Village Roadpali. The appeal as well as cross objections are being disposed of by this common order. The Reference Court has fixed the market value at the rate of Rs.16 per sq. mtr. In the cross objections filed, the respondent claim at the rate of Rs.20/- per sq. mtr. Notification under Section 4 was published on 3.2.1970. The award in respect of the suit premises was made on 4.1.1985. The possession of the land was taken on 7.2.1985. The acquired land is situated within 500 mtrs. from the Poona Bombay Highway.

2. Considering the judgement passed in First

Appeal No. 757 of 2003 with Civil Application No. 514 of 2003 and First Appeal No. 1782/02 along with Civil Application No. 1078 of 2004, m the market value of the land was ordinarily be fixed at Rs.25/- per sq. mtr. However, as the cross objection is limited to Rs.20/- per sq. mtr. the respondent will be entitled to Rs.20/- per sq. mtr. along with all consequential benefits.

3. Considering that the award under Section 11 was made after 20.4.1982, the claimant will be entitled to compensation Under Section 23(1A) of the Act.

4. In the light of the above, the following order :

First appeal dismissed.

Cross objections allowed as aforestated.

(F.I. REBELLO,J.)

(ANOOP V. MOHTA,J.)